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would be of no avail to plaintiff in this action, because it would apply as well to the question of time of death as to the time of filing the petition, and would thus raise the presumption that both occurred simultaneously at the first instant of the day, and that, in order that the action might be maintained, it would be necessary that it be instituted before death and not simultaneously with the death of plaintiff.

Extraterritorial Operation of Bigamy Statute.—A statute of North Carolina provides for the punishment of any person for a second marriage during the existence of a prior one, whether the second shall have taken place within the state or elsewhere, and authorizes trial and conviction in any county where the offender shall be apprehended the same as if the offense had been actually committed in that county. The validity of this law is successfully assailed in *State v. Ray*, 66 Southeastern Reporter, 204, in an opinion by the North Carolina Supreme Court, on the ground that it was an attempt to create a crime beyond the borders of the state, and without the territorial operation of its laws, when applied to a second marriage taking place outside the state. The fact that the parties might come back into North Carolina and reside there after the second marriage makes no difference, as the statute contains no provisions for punishment for the offense of living together after the invalid marriage, but merely for the marriage itself.

Percolating Water Rights.—The city of East Orange acquired a large tract of land, and at great expense drilled numerous artesian wells thereon for the purpose of supplying its inhabitants with water. Plaintiff, a milkman and owner of a nearby farm, suffered heavy loss by reason of the wells drawing out percolating underground water, which but for its interception would have reached his spring, stream, and well, and nourished his crops. In *Meeker v. City of East Orange*, 74 Atlantic Reporter, 379, the Court of Errors and Appeals of New Jersey reversed the two lower court judgments, and upheld plaintiff's claim for damages. It rejected the English rule giving the landowner an absolute property in all water found percolating in his soil, to do with it as he pleased, and adhered to the doctrine of reasonable user. This doctrine does not prevent the proper user by a landowner of the percolating waters subjacent to his soil in agriculture, manufacturing, irrigation, or otherwise; nor does it prevent any reasonable development of his land by mining or the like, although the underground water of neighboring proprietors may thus be interfered with or diverted; but it does prevent the withdrawal of underground waters for distribution or sale for uses not connected with any beneficial ownership or enjoyment of the land whence they are taken if the owner of adjacent or neighboring